

REMARKS

The pending Office Action addresses and rejects claims 1-9 and 12-41. Reconsideration is respectfully requested.

Amendments

Applicants amend independent claims 1, 13, 24, 29, 36, and 41 to delete the term "pivotal," and to clarify that movement occurs about longitudinal and lateral axes, while rotation is prevented about a central vertical axis. Support for this amendment can be found throughout the specification and in the drawings. For example, the longitudinal axis is shown in Figure 3C, and Figure 5 illustrates a vertical axis A and movement about the lateral axes. Dependent claims 2, 8, 12, 14, 18, 27, 30, 31, 34, and 37 are amended to correspond to the amended independent claims.

Applicants add new claim 42, which is similar to claim 18. The Examiner has indicated that claim 18 represents allowable subject matter, and thus new claim 42 should be in condition for allowance.

Applicants cancel claims 32 and 40.

No new matter is added.

Rejection Pursuant to 35 U.S.C. §112

Claims 32 and 40 are rejected pursuant to 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicants cancel claims 32 and 40, thereby obviating the basis for this rejection.

Claim Rejections Pursuant to 35 U.S.C. 102(b)

U.S. Patent No. 5,577,755 of Metzger

The Examiner rejects claims 1, 2, 12-13, 23, 24, and 26-28 pursuant to 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,577,755 of Metzger. Pursuant to a telephone conversation with the Examiner on October 12, 2005, the Examiner has agreed that the pending claims, as

amended, distinguish over Metzger, thereby obviating the basis for this rejection.

U.S. Patent No. 2,719,725 of Ware

Claims 29-31, 33-39, and 41 are rejected pursuant to 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,719,725 of Ware. Independent claims 29, 36, and 41 generally require first and second members that are connected to one another such that movement is allowed between the first and second members about longitudinal and lateral axes thereof while rotational and translational movement of the first and second members are prevented about a vertical axis central to the first and second members. Ware does not teach or even suggest such a device. As shown in Figure 1, Ware discloses a roller skate having wheels coupled thereto by wheel axles. The “wheel axles may shift and twist to facilitate turning of the skate” Col. 1, lines 20-21. Accordingly, since the wheel axles twist to facilitate turning, they rotate about a vertical axis. Ware therefore does not teach or even suggest first and second member that are coupled to one another such that translation and rotational movement is prevented about a vertical axis. Independent claims 29, 36, and 41 therefore distinguish over Ware and represent allowable subject matter. Claims 30-31, 33-35, and 37-39 are allowable at least because they depend from an allowable base claim.

U.S. Patent No. 6,428,032 of Humbel

The Examiner also rejects claims 13, 29-31, 33, 36, 38, and 39 pursuant to 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,428,032 of Humbel.

Independent claims 13, 29, and 36 generally require first and second members that are connected to one another such that movement is allowed between the first and second members about longitudinal and lateral axes thereof while rotational and translational movement of the first and second members are prevented about a vertical axis central to the first and second members. This is illustrated, for example, in Figure 5 of the present application, which shows a base plate 12 coupled to a connecting element 16. The connecting element 16 allows heel-toe movement and side-to-side movement, thus allowing movement of the base plate 12 about longitudinal and lateral axes thereof. The connecting element 16, however, prevents translation of the base plate 12 along a central vertical

axis A.

Humbel does not teach or even suggest a device that allows movement along longitudinal and lateral axes while preventing translation and rotation along a central vertical axis. As shown in Figure 2, Humbel discloses a safety binding having a first part (4) that mates to a snowboard and a second part (5) that mates to a snowboard boot. The first and second parts (4, 5) are mated to one another to allow adjustment of the boot with respect to the snowboard along X, Y, and Z axes. While adjustment can occur along X, Y, and Z axes, Humbel does not prevent translation along the Z axis, as required by independent claims 13, 29, and 36. In particular, as shown in Figure 5, the first part includes a frame 15 having a fork 93 that bears against opposed protrusions 71a, 71b (shown in Figure 2) formed on an adjusting disc 7. The fork and protrusions allow the frame 15 to translate, i.e., slide up and down, along the vertical Z axis. Humbel does not teach any type of locking element for preventing translation along the vertical Z axis. The only locking elements disclosed by Humbel are used to prevent rotation about the X, Y, and Z axes. Accordingly, Humbel does not teach or even suggest the claimed invention, and therefore independent claims 13, 29, and 36 distinguish over Humbel and represent allowable subject matter. Claims 30-31, 33, 38, and 39 are allowable at least because they depend from an allowable base claim.

Claim Rejections Pursuant to 35 U.S.C. 103(a)

Claims 1-5, 9, 12, 14-17, 19, 20, and 22-28 are rejected pursuant to 35 U.S.C. 103(a) as being obvious over Humbel in view of U.S. Patent No. 6,428,032 of Acuna, Jr. ("Acuna"), and claims 6-8 and 21 pursuant to 35 U.S.C. 103(a) as being obvious over Humbel in view of Acuna, and further in view of U.S. Patent No. 5,971,419 of Knapschafer. Independent claims 1 and 24 generally require two members that are connected such that translation along a central vertical axis thereof is prevented. As discussed above, Humbel does not teach or even suggest a device that prevents translational movement along a central vertical axis. Acuna and Knapschafer do not remedy the deficiencies of Humbel. Accordingly, independent claims 1 and 24, as well as claims 2-9, 12, 14-17, 19-23, and 25-28 which depend therefrom, distinguish over Humbel, taken alone or combined with Acuna and/or Knapschafer, and represent allowable subject matter.

Allowable Subject Matter


The Examiner has indicated that dependent claim 18 would be allowed if rewritten into independent format to include all of the limitations of the base claim and any intervening claims. Applicants add new claim 42 which include the limitations of claim 18. Accordingly, for the same reasons, claim 42 represents allowable subject matter and allowance thereof is respectfully requested.

Conclusion

In conclusion, Applicants submit that all pending claims are now in condition for allowance, and allowance thereof is respectfully requested.

Respectfully submitted,

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